



NEWS

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Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 10, 2001

#01-107 People v. Rodriguez, S098821. (B142586; 89 Cal.App.4th 546.)

Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case concerns the meaning of the phrase “recurring access” for purposes of the offense of continuous sexual abuse of a child. (Pen. Code, § 288.5.)

#01-108 Sherman v. Allstate Ins. Co., S099619. (B134398; 90 Cal.App.4th 121.)

Petition for review after the Court of Appeal dismissed an appeal in a civil action. This case concerns whether (1) an unnamed class member who does not opt out of a class action and who objects to the proposed settlement of the action must intervene in order to have standing to appeal the trial court’s approval of the settlement, and (2) if so, whether such a requirement is a new rule to be applied prospectively only.

#01-109 People v. Williams, S098552. (C031921; 89 Cal.App.4th 85.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether preliminary alcohol screening test results are admissible at trial despite the lack of compliance with regulations governing such testing. (See Cal. Code Regs., tit. 17, §§ 1215-1221.5.)

#01-110 Bravo v. Superior Court, S099376. (F037557; 90 Cal.App.4th 88.)

Petition for review after the Court of Appeal denied a petition for peremptory writ of prohibition. The Court ordered briefing deferred pending decision in Manduley v.

(over)

Superior Court, S095992 (#01-42), which concerns the validity of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)).

#01-111 People v. Chavez, S098775. (B139931; 89 Cal.App.4th 806.) Petition for review after the Court of Appeal affirmed a judgment of criminal offenses. The Court ordered briefing deferred pending decision in People v. Reay, S093980 (#01-23), and People v. Anderson, S094710 (#01-32), which concern whether, and if so to what extent, duress is a defense to homicide related offenses.

#01-112 People v. Phillips, S099017. (H020377; 89 Cal.App.4th 61, mod. 89 Cal.App.4th 1299a.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The Court ordered briefing deferred pending decision in People v. Engelman, S086462 (#00-49), which presents issues concerning the effect of CALJIC No. 17.41.1 on a defendant's right to trial by jury.

#01-113 People v. Wang, S098639. (B139328; 89 Cal.App.4th 122.) Petition for review after the Court of Appeal reversed an order setting aside an information. The Court ordered briefing deferred pending decision in Correa v. Superior Court, S093476 (#01-05) and Valero v. Superior Court, S093477 (#01-06), which concern whether an investigating officer, who is permitted to give hearsay testimony at a preliminary examination (see Pen. Code, § 872, subd. (b)), may testify to out-of-court statements of a witness made through an interpreter, or whether such testimony constitutes multiple hearsay to which no exception applies.

STATUS

#01-88 People v. Johnson, S097755. The court ordered briefing expanded to include the issues (1) whether trial courts have authority to condition a grant of probation on a waiver of custody credits and, if so, the source of that authority, and (2) the appropriate remedy if a trial court exceeded its authority in conditioning a grant of probation on a waiver of custody credits.

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